

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10579 JLT

KRISTIN GABEL,

Plaintiff,

v.

RIVERVIEW SCHOOL, AUDRICK J. HAYES,
STEVEN GRINSELL, AND MAUREEN BRENNER,

Defendant.

**ANSWER OF DEFENDANTS RIVERVIEW SCHOOL, INC.,
STEVEN GRINSELL AND MAUREEN BRENNER**

Defendants Riverview School, Inc., Steven Grinsell and Maureen Brenner answer
Plaintiff's complaint as follows:

FIRST DEFENSE

1. No response required.
2. This allegation contains only conclusions of law and no response is required.

PARTIES

3. Admitted.
4. Due to the lack of facts pleaded, Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of the paragraph, and call on plaintiff to prove same, if material. Defendants admit the allegations contained in the second sentence of this paragraph.

5. The allegations of this paragraph are admitted, except insofar as the legal name of defendant Riverview is Riverview School, Inc.

6. Admitted.

7. Admitted. Grinsell was Director of Programming.

8. Admitted.

FACTS

9. Defendants admit plaintiff has learning disabilities, but denies they are “severe.” Defendants admit the remaining allegations of this paragraph.

10. Denied in the form and manner alleged, except that Defendants admit the allegations of the second sentence of this paragraph.

11. Admitted.

12. Denied.

COUNT I

(v. Grinsell, Brenner, Riverview – Negligence)

13. Defendants repeat their Answer as set forth above.

14. Denied.

15. Denied.

COUNT II

(v. Hayes, Grinsell, Brenner and Riverview - Negligent Inflection of Emotional Distress)

16. Defendants repeat their Answer as set forth above.

17. Denied.

18. Denied.

COUNT III

(v. Hayes, Grinsell, Brenner and Riverview - Violation of Civil Rights)

19. Defendants repeat their Answer as set forth above.
20. Denied.
21. Denied.

COUNT IV

(v. Riverview – Breach of Contract)

22. Defendants repeat their Answer as set forth above.
23. Denied in the form and manner alleged.
24. Denied.

WHEREFORE, Defendants pray this Court dismiss all of plaintiff's claims with prejudice.

DEFENDANTS CLAIM TRIAL BY JURY

Answering further, defendants state their:

First Affirmative Defense

Defendants exercised reasonable care in connection with plaintiff's placement at Riverview School.

Second Affirmative Defense

Count III of Plaintiff's complaint fails to state a cause of action upon which relief can be granted.

Third Affirmative Defense

Defendants had no knowledge, nor reasonably should have had knowledge, of the alleged conduct of Defendant Hayes, wherefore Defendants were not negligent.

Fourth Affirmative Defense

G.L. c. 231, §85K bars recovery against Riverview School. Brenner or Grinsell in any amount of excess of \$20,000 on account of acts of negligence by any of them.

Respectfully submitted,
DEFENDANTS,
RIVERVIEW SCHOOL, INC.,
STEVEN GRINSELL, MAUREEN
BRENNER,
By their attorneys



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Dated: August 4, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document
was served upon the attorney of record for each party
by mail (by hand) on 8/4/04.


